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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,106	12/26/2000	Takashi Kinouchi	6715/60750	3130

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ART UNIT	PAPER NUMBER
2653	7

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/674,106	KINOUCHI, TAKASHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kim-Kwok CHU	2653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Pre-Amendment filed on 2/15/2001.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. PCT/JP00/01040.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                    | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ .                                   |

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) in claim 1, line 5, the term "predetermined standard read out rate" is vague and indefinite;

(b) in claim 1, lines 18 and 19, the term "predetermined standard recording rate" is vague and indefinite;

(c) in claim 7, lines 5 and 6, the term "predetermined standard read out rate" is vague and indefinite;

(d) in claim 7, line 22, the term "predetermined standard recording rate" is vague and indefinite;

(e) in claim 13, line 5, the term "predetermined standard read out rate" is vague and indefinite;

(f) in claim 18, line 5, the term "predetermined standard recording rate" is vague and indefinite;

(g) in claim 19, line 5, the term "predetermined standard read out rate" is vague and indefinite; and

(h) in claim 10, lines 5 and 6, the term "said second

recording unit" lacks antecedent basis.

3. Claims 2-6, 8-12, 14-17 and 20 are rejected because of its dependency on a rejected claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.*

5. Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sharples, Jr. et al. (U.S. Patent 4,811,325).

Sharples, Jr. teaches a recording and/or reproducing apparatus having all the elements and means as recited in claims 1-4. For example, Sharples, Jr. teaches the following:

(a) as in claim 1, a reproducing unit 34 for reading out data from a first recording medium 30 at a transmission rate higher than a predetermined standard read out rate of the first recording medium 30 (Fig. 5; column 11, lines 39-50);

(b) as in claim 1, storage unit 66 for storing data read out by the first reproducing unit 34 (Figs. 5 and 8);

(c) as in claim 1, recording unit 38 for recording data read out from the storage unit 66 in a second recording medium 40 (Fig. 5);

(d) as in claim 1, a controlling unit 42 for controlling respective operations of the reproducing unit 34, the storage unit 66 and the recording unit 38 (Figs. 5 and 8);

(e) as in claim 1, the controlling unit 42 causing the data from the reproducing unit 34 to be written in the storage unit 66 at a transmission rate higher than the predetermined standard readout rate of the second recording medium 40 (Fig. 5; column 10, lines 58 and 59);

(f) as in claim 1, the controlling unit 42 causing the data to be read out from the storage unit 66 at a transmission rate equal to the predetermined standard recording rate for the second recording medium 40 (Fig. 5, the second recording medium is recorded in a standard format/rate);

(g) as in claim 1, for routing the read-out data to the recording unit 38 and causing the routed read-out data to be recorded in the second recording medium 40 (Fig. 5);

(h) as in claim 2, when the reading out operation of the reproducing unit 34 comes to a close/complete, the controlling unit 42 causes the read-out data to be recorded on the second recording medium 40 by the recording unit 38 (Fig.

5; data recording starts when the reading process is completed);

(i) as in claim 3, when the reading out operation from the first recording medium 30 by the reproducing unit 34 comes to a close, the controlling unit 42 causes the read-out data to be recorded on the second recording medium 40 (Fig. 5; data recording starts when the reading process is completed); and

(j) as in claim 4, the controlling unit 42 halts the recording by the second recording unit 38 when the second recording medium 40 is not loaded on the recording unit and a time is a starting time (Fig. 5; inherent feature where a recording operation fails/stops if there is no recording medium to record data).

6. Claims 13-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sharples, Jr. et al. (U.S. Patent 4,811,325).

Sharples teaches a recording and/or reproducing apparatus having all the elements and means as recited in claims 13-18. For example, Sharples teaches the following:

(a) as in claim 13, a reproducing unit 34 for reading out data from a first recording medium 30 at a transmission rate higher than a predetermined standard readout rate of the first recording medium (Fig. 5; column 11, lines 39-50);

(b) as in claim 13, a data storage unit 66 for storing data read out by the reproducing unit 34 (Fig. 5; column 14, lines 1-26);

(c) as in claim 13, a recording unit 38 for storing data read out from the storage unit 66 in a second recording medium 40 (Fig. 5);

(d) as in claim 13, a controlling unit 42 for controlling respective operations of the reproducing unit 34, the data storage unit 66 and the recording unit 38 (Fig. 5);

(e) as in claim 13, the controlling unit 42 causing data to be read out from the data storage unit 66 and supplied to the recording unit 38 for recording after all of the data read out from the first recording medium is stored in the data

storage unit (Fig. 5; column 3, lines 57-65; column 14, lines 14-26) ;

(f) as in claim 14, the controlling unit 42 causes the data to be read out from the storage unit 66 and routed to the recording unit 38 (Fig. 5) ;

(g) as in claim 14, when the reading out operation of the first recording medium 30 by the reproducing unit 34 comes to a close, the controlling unit 42 causes the read-out data to be recorded on the second recording medium 38 by the recording unit (Fig. 5; data recording starts when the reading process is completed) ;

(h) as in claim 15, the controlling unit 42 causes data to be read out from the storage unit 66 and when the reproducing operation for the first recording medium 30 by the reproducing unit 34 comes to a close, the controlling unit 42 causes the read-out data to be recorded on the second recording medium (Fig. 5; data recording starts when the reading process is completed) ;

(i) as in claim 16, when a time is a starting time and the second recording medium is not loaded on the recording unit 38, the controlling unit 42 halts the recording operation of the second recording unit 38 (Fig. 5; inherent feature where a recording operation fails if there is no recording medium to record data) ;

(j) as in claim 17, the storage unit 66 includes a data processing unit 82 for encoding data from the reproducing unit 34 when writing data read out from the reproducing unit 34 (Fig. 8; means 64 is a encoder);

(k) as in claim 17, the storage unit 66 includes a processing unit 82 for decoding data when reading out the data (Fig. 5);

(l) as in claim 17, the storage unit 66 includes a data storage unit in which written data from the data processing unit 82 is [stored] (Fig. 5); and

(m) as in claim 18, data processing unit 82 is controlled by the controlling unit 42 so that data read out from the data storage unit 66 is decoded and read out at a transmission rate equal to predetermined the standard recording rate for the second recording medium (Fig. 5, the second recording medium is recorded in a standard format/rate).

7. Claims 19 and 20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Sharples, Jr. et al. (U.S. Patent 4,811,325).

Sharples teaches a method for acquiring data from an optical disc having all the means and steps as recited in claims 19 and 20. For example, Sharples teaches the following:

(a) as in claim 19, a reproducing unit 34 for reading out data from a first recording medium 30 at a transmission rate faster than a predetermined standard readout rate of the first recording medium (Fig. 5; column 11, lines 28-50 and lines 39-50);

(b) as in claim 19, a data storage unit 66 for storing data read out from the data (reproducing) storage unit (Fig. 5; column 14, lines 1-26);

(c) as in claim 19, a recording unit 38 for recording the data read out from the data storage unit 66 (Fig. 5; column 10, lines 58 and 59);

(d) as in claim 19, a controlling unit 42 for controlling the reproducing unit 34, the data storage unit 66 and the recording unit 38 (Fig. 5);

(e) as in claim 19, the controlling unit 42 operating so that when a data recording starting time point is previously set on the second recording medium 40, data is read out from the data storage unit 66 and routed to the recording unit 38

when a time is the recording starting time point, with the read-out data being recorded on the second recording medium 40 (Fig. 5; column 16, liens 50-68; any request of transferring or queuing of information from the reproducing unit is considered as a data recording starting time point); and

(f) as in claim 20, when the second recording medium 40 is not loaded on the recording unit and the time is the recording starting time point, the controlling unit halts the recording operation of the second recording unit (Fig. 5; inherent feature where a recording operation fails if there is no recording medium to record data).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

9. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharples, Jr. et al. (U.S. Patent 4,811,325) in view of Inoue (U.S. Patent 6,137,642).

Sharples teaches a recording and/or reproducing apparatus very similar to that of the instant invention. For example, Sharples teaches the following:

(a) as in claim 7, a reproducing unit 34 including a decoding processing unit 36 for decoding data read out from a first recording medium 30 at a transmission rate faster than a predetermined standard readout rate for the first recording medium and for outputting a playback signal (Fig. 5; column 11, lines 39-50);

(b) as in claim 7, a first controlling unit 52 for controlling the decoding processing unit (Fig. 5; clock circuit is needed to control/operate the decoder 36);

- (c) as in claim 7, a storage unit 66 for storing data read out from the first recording medium 30 (Fig. 5);
- (d) as in claim 7, a recording unit 38 for recording data read out from the storage unit 66 (Figs. 5 and 8);
- (e) as in claim 7, the recording unit 38 storing output data in a second recording medium 40 (Fig. 5);
- (f) as in claim 7, a third controlling unit 42 for supplying a control signal to the first controlling unit to control operation of the reproducing unit and operation of the recording unit (Fig. 5, control unit 42 controls all other controllers);
- (g) as in claim 7, the third controlling unit 42 supplying a control signal to the storage unit 66 to read out data from the storage unit at a transmission rate equal to a predetermined standard recording rate of the second recording medium;
- (h) as in claim 7, the third controlling unit 42 sending a control signal to cause data supplied to be recorded on the second recording medium 38 (Fig. 5);
- (i) as in claim 8, the third controlling unit 42 causes data to be read out from the storage unit 66 after an end of the reproducing operation of the first recording medium 30 by the reproducing unit 34 to route the read-out data to the recording unit 38 (Fig. 5);

(j) as in claim 8, the read-out data being recorded by the recording unit 38 on the second recording medium (Fig. 5);

(k) as in claim 9, when the data recording start time point is previously set in the second recording medium 40, the third controlling unit 42 causes data to be read out from the storage unit 66 when the time is at the data recording start time point to route the read-out data to the recording unit to cause the read-out data to be recorded on the second recording medium (Fig. 5; standard recording procedure where all starting time is previously set before the recording operation);

(l) as in claim 10, when the second recording medium 40 is not loaded on the recording unit and the time is the data recording start time point, the third controlling unit 42 halts the recording operation of the second recording unit (Fig. 5; inherent feature where a recording operation fails/stops if there is no recording medium to record data); and

(m) as in claim 12, the data is read out at a transmission rate equal to the predetermined standard recording rate of said second recording medium (Fig. 5, the second recording medium is recorded in a standard format/rate).

However, Sharples, Jr. does not teach the following:

(a) as in claim 7, the recording unit 38 including an encoding unit for encoding data;

- (b) as in claim 7, a second controlling unit for controlling the encoding unit;
- (c) as in claim 11, the storage unit includes a data processing unit for applying further encoding and for storing data from the reproducing unit in the storage unit when writing data read out from the reproducing unit and for applying further decoding, as a counterpart of said encoding by said data processing unit, when reading out the data, and a data storage unit for storing data from the data processing unit;  
and
- (d) as in claim 12, the data processing unit is controlled by the third controlling unit so that data read out from the data storage unit is processed with the further decoding.

Inoue teaches the following:

- (a) a recording unit 3 including an encoding unit 8 for encoding data (Fig. 1);
- (b) a second controlling unit 11 for controlling the encoding unit (Fig. 1);
- (c) as in claim 11, a storage unit 13 includes a data processing unit 8 for applying further encoding and for storing data from a reproducing unit 32 in the storage unit 13 when writing data read out from the reproducing unit 32 and for

applying further decoding, as a counterpart of the encoding by the data processing unit, when reading out the data (Fig. 1);

(d) as in claim 11, a data storage unit for storing data from the data processing unit (Fig. 1; encoder/decoder inherently includes storage means such as registers or buffers for data processing); and

(e) the data processing unit is controlled by a third controlling unit 11 so that data read out from the data storage unit is processed with the further decoding (Fig. 1).

A user of Sharples's data transfer system needs data encoding means if he choose an optical recording medium such as Inoue's to record the transferred data instead of Sharples, Jr.'s tape. Hence, for the advantages such as high data access rate, it would have been obvious to one of ordinary skill in the art at the time of invention to add encoding means such as Inoue's to Sharples, Jr.'s data processing system, because the additional encoding means allow an end user to record the transferred data in an optical medium instead of a tape.

Furthermore, it would have been obvious to one of ordinary skill in the art to add an control means and data processing means similar to Inoue's system controller 11 and encoder 8 to Sharples, Jr.'s data processing system, because the additional controller and signal processor can perform encoding operation under the user's order.

10. Claims 5 and 6 have limitations similar to those treated in the above rejection, and are met by the references as discussed above.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagashima et al. (6,205,104) is pertinent because Nagashima teaches a high speed dubbing system.

Itoh et al. (5,631,888) is pertinent because Itoh teaches a master disc recording apparatus for recording data on different types of master discs.

Minoda (5,485,447) is pertinent because Minoda teaches a high speed data dubbing method.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington, D.C.  
20231 Or faxed to:

(703) 872-9314 (for formal communications intended for entry. Or:

(703) 746-6909, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim CHU whose telephone number is (703) 305-3032 between 9:30 am to 6:00 pm, Monday to Friday.

KC 9/8/03

Kim-Kwok CHU  
Examiner AU2653  
September 8, 2003  
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